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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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UNIVERSITAS EDUCATION, LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 11-1590 (LTS) (HBP) and
	:	Case No. 11-8726 (LTS) (HBP)
	:	
NOVA GROUP, INC., et al.,	:	
	:	
Defendants.	:	

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**DEFENDANT AVON CAPITAL, LLC’S NOTICE OF MOTION FOR DETERMINATION  
OF AMOUNT OWED ON JUDGMENT PURSUANT TO FED. R. CIV. P. 60(b)(5)**

Pursuant to Federal Rule of Civil Procedure 60(b)(5), Avon Capital, LLC (“Avon” or “Movant”) respectfully moves this Court for an order to require Plaintiff to file an appropriate satisfaction (or partial satisfaction) of the judgment confirmed by this Honorable Court on June 6, 2012 (ECF No. 40, the “Judgment”), so that Avon can properly determine any additional amount Universitas Education, LLC (“Universitas” or “Plaintiff”) claims Avon is still owes.

As set forth in the memorandum of law filed concurrently herewith, Universitas has collected portions of the Judgment from co-defendants that are joint and severally liable on the Judgment. However, to date, Avon does not know to what extent the Judgment has been satisfied. Because Avon is jointly and severally liable on the Judgment, and because the Judgment has been partially satisfied by other co-defendants or third-parties, it is appropriate that Universitas

provide Avon with the information needed so that Avon can calculate what it still owes (if anything).

Counsel for the Movant has inquired of counsel for the Plaintiff regarding this motion and has attempted in good faith to resolve this matter informally using best efforts without judicial intervention. The parties have exchanged letters outlining their respective factual and legal positions and have conferred by telephone in an attempt to narrow the issues in dispute. The parties, however, have been unable to come to an accord. As such, Plaintiff does not consent to the relief Avon now requests.

WHEREFORE, Avon respectfully requests, for good cause shown, that the Court grant this motion and order Plaintiff to produce information reflecting any and all payments by any co-defendants and/or third-parties with respect to the underlying Judgment along with any calculation for any amount that remains due under the Judgment as of the date of this Motion.

THE DEFENDANT  
AVON CAPITAL, LLC

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